

# ISOM2030 Business Protections for Innovation

## Course Syllabus and Outline (Fall 2019)

Class Details: Wednesday, L1: 3:00 PM – 4:20 PM, L2: 12:00 PM – 1:20 PM, Rm. 4582 (Lift 27-28)

Instructor: Prof. Ted CLARK, School of Business & Management, [tclark@ust.hk](mailto:tclark@ust.hk), 2358-7634 (Office)

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Course Website: <http://canvas.ust.hk/>

### Objective and Learning Methodology

Intellectual property rights (IPR) has a great impact on innovation development and society. In Science, Engineering, and Business, we seek to create wealth through innovation in products, designs, manufacturing processes, and business systems or models. However, innovation leaders often FAIL to benefit from their discoveries and inventions when they are unable to adequately protect those innovations. This negative impact can have negative inertia on new innovations and the future development of entrepreneurship. In this course, we explore approaches that companies (and individual inventors also) can use to effectively protect and capitalize on their innovative ideas for creating value for society. We also examine ways that firms can get around barriers to innovation protection in order to quickly copy or reverse engineer new product or process innovations. Finally, students will be more aware of IP rights and their impact on society, citizens, and business.

This course combines a business case discussion approach with readings on the basic aspects of business innovation protection to illustrate strategic and legal issues and challenges in business related to protection of business innovations. Using case studies from business and law with fundamental software innovation and technology introduction, we examine protections for engineering products, biotechnology, semiconductor protection laws, computer hardware, microcode, software licenses, encryption, trademark, copyright, music downloading and entertainment laws, personal privacy, business process patents, and reverse engineering issues.

This course will help students in applying legal and strategic approaches to protecting and encouraging business innovation, as well as in understanding and communicating key social and ethical issues related to innovation protection. Professor Clark has degrees in Engineering (BS), Law (JD), Business (Harvard MBA) and IS Management (Harvard DBA), and has taught multiple MBA and MSc ISM courses in the past. Professor Clark also has extensive consulting experience with McKinsey & Company, involving sourcing, strategy, and operations.

### Grading Policy

The course grade consist of 4 components. The weight of each is shown below:

| Assessment    | Percentage | Details  |
|---------------|------------|--|
| Attendance    | 10%        | Attend weekly lectures; 1 pt per lecture after add/drop period |
| Participation | 20%        | Actively participate in class                                  |
| Quizzes       | 20%        | 12 quizzes; 2 pts per quiz; drop 2 lowest score                |
| Final Exam    | 50%        | Multiple Choice, True/False, Short Answer and Essay(s)         |

Participation in discussions or asking questions is strongly encouraged.

Studying the assigned course reading materials will be an important part of the overall learning experience, and students who have not read the materials during the semester will be at a significant disadvantage during the quizzes. Reading assignments average less than 25 pages per week.

## Books Used (Assigned reading excerpts posted online in CANVAS)

**[Nutshell]** Miller, A., & Davis, M. (2012). *Intellectual property: Patents, trademarks, and copyright in a nutshell* (5th ed.). St. Paul, MN: Thomson/West.

**[Intellectual Property]** Dreyfuss, R., & Kwall, R. (1996). *Intellectual property: Trademark, copyright, and patent law: Cases and materials*. Westbury, N.Y.: Foundation Press.

**[Software]** Lemley, M. (2000). *Software and Internet law*. Gaithersburg, Md.: Aspen Law & Business.

## Course Schedule

| Week (Dates)                    | Topics   | Online Materials | Pre-Reading (Optional)  | Submissions                  |
|---------------------------------|--|------------------|---|------------------------------|
| Week 1 (Sep 4 <sup>th</sup> )   | Introduction   | Copyright 1      | No readings assigned before the first class.                                | Quiz (Sep 9 <sup>th</sup> )  |
| Week 2 (Sep 11 <sup>th</sup> )  | Introduction to Copyright                            | Copyright 2      | Nutshell pp. 303-313 (11 pages)   | Quiz (Sep 16 <sup>th</sup> ) |
| Week 3 (Sep 18 <sup>th</sup> )  | Copyright Limitations                                | Copyright 3      | Nutshell pp. 375-397 (23 pages)   | Quiz (Sep 23 <sup>rd</sup> ) |
| Week 4 (Sep 25 <sup>th</sup> )  | Derivative Work & Parody                             | Copyright 4      | Software pp. 97-112 (15 pages)  | Quiz (Sep 30 <sup>th</sup> ) |
| Week 5 (Oct 2 <sup>nd</sup> )   | Protecting Software Innovations                      | Patent 1         | Software pp. 149-153, 214-218 (10 pages)<br>Software pp. 891-901 (11 pages) | Quiz (Oct 7 <sup>th</sup> )  |
| Week 6 (Oct 9 <sup>th</sup> )   | Introduction to Patents                              | Patent 2         | Nutshell pp. 10-20 (11 pages)<br>Nutshell pp. 21-29 (9 pages)               | Quiz (Oct 14 <sup>th</sup> ) |
| Week 7 (Oct 16 <sup>th</sup> )  | Process of Getting a Patent                          | Patent 3, 4      | Nutshell pp. 105-119 (15 pages)<br>Nutshell pp. 121-135 (15 pages)          | Quiz (Oct 21 <sup>st</sup> ) |
| Week 8 (Oct 23 <sup>rd</sup> )  | Utility Patent Requirements & Advanced Patent Topics | Trademark 1      | Nutshell pp. 39-50 (12 pages)<br>Nutshell pp. 71-82 (12 pages)              | Quiz (Oct 28 <sup>th</sup> ) |
| Week 9 (Oct 30 <sup>th</sup> )  | Introduction to Trademark                            | Trademark 2      | Intellectual Property pp. 6-23 (18 pages)                                   | Quiz (Nov 4 <sup>th</sup> )  |
| Week 10 (Nov 6 <sup>th</sup> )  | Trademark Global Issues & Challenges                 | Trademark 3      | Intellectual Property pp. 118-134 (17 pages)                                | Quiz (Nov 11 <sup>st</sup> ) |
| Week 11 (Nov 13 <sup>th</sup> ) | Trademark Infringement Cases                         | Strategy 1,2     | Nutshell pp. 452-460 (9 pages)<br>Software pp. 49-68 (19 pages)             | Quiz (Nov 18 <sup>nd</sup> ) |
| Week 12 (Nov 20 <sup>th</sup> ) | Resource-Based Strategy & Move Fast or Get Passed    | None             | No readings assigned before exam.   | None                         |
| Week 13 (Nov 27 <sup>th</sup> ) | Comprehensive Course Exam                            |                  |   |                              |